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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/266,780      | 03/12/1999  | TADASHI NOGUCHI      | 041465-5061         | 6235             |

9629 7590 09/09/2002

MORGAN LEWIS & BOCKIUS LLP  
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WASHINGTON, DC 20004

EXAMINER

ONUAKU, CHRISTOPHER O

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2615

DATE MAILED: 09/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**Application No.  
**09/266,780**Applicant(s)  
**Noguchi et al**Examiner  
**Christopher O. Onuaku**Art Unit  
**2615**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Aug 13, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE:

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 10-12, 14-19, 21-23

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☒ Other: *The proposed amendments will be entered upon filing of an appeal. See response to the arguments attached.*

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*Response to Arguments*

1. Applicant's arguments filed 8/13/02 have been fully considered but they are not persuasive.

In the current amendment, applicant has canceled dependent claim 13 and added the limitations of claim 13 to independent claim 10. Also, applicant has canceled dependent claim 20 and added the limitations of claim 20 to independent claim 17. And, on the basis of these new amendments, applicant traverses the 35 U.S.C. 102 (e) rejections of claims 10&17.

In the last office action, claims 10&17 were rejected under 102(e) as anticipated by Hirayama, and claims 13&20 were rejected under 35 U.S.C. 03(a) as being unpatentable over Hirayama in view of Kameo. The examiner maintains the same conditions for rejecting the limitations of claims 13&20 under 35 U.S.C. 103(a) as being unpatentable over Hirayama in view of Kameo. Since the limitations of claims 13&20 have been added to claims 10&17, respectively, it follows that claims 10&17 would now be rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama in view of Kameo. This amendment will be entered upon filing of an appeal, and will be rejected on the same basis as before, i.e., claims 10&17 as now amended in the After Final will be rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama in view of Kameo.

In traversing the new claims 10&17, applicant argues that Hirayama and Kameo, whether taken singly or combined, fail to teach a recordable medium having "a reservation information

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area for storing a reservation information” that indicates “a scheduled time for recording the television program on the recordable medium”. Examiner disagrees.

Hirayama discloses all the limitations of the current claim 10 (see rejections in the last office action), including a recording medium (see optical disk 100 in Fig. 1 of Hirayama, and a reservation information area for storing a reservation information (see col. 14, line 43 to col. 15, line 37) where Hirayama clearly discloses where reservations are made on the basis of the program title one after another in a disk and a reservation routine. However, Hirayama fails to disclose wherein the record information is a television program, and the reservation information indicates a scheduled time for recording the television program on the recording medium.

Kameo teaches performing a timer reservation recording of a television broadcasting program wherein a timer unit outputs a recording start command , a recording end command or the like to a VTR to set reserved time. The desired television broadcasting channel, recording start day and time, recording end day and time, and the like for reservation purposes are displayed on a display unit (see col. 3, lines 11-36).

It, therefore, would have been obvious to modify Hirayama by realizing Hirayama with the means to reserve the recording of television programs in advance by using the television program reservation information, e.g., television broadcasting channel, recording start day and time, recording end day and time, and the like, as taught by Kameo, since this provides the desirable advantage of recording television programs in advance by using the television program

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reservation information, such as television broadcasting channel, recording start day and time, recording end day and time, and the like.

Applicant argues, with respect to claims 14&21, that the channel information recited in claims 14&21, the office action fails to provide any suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to combine Kameo and Hirayama. In response, examiner refers the applicant to the relevant portion of the last office action where the examiner clearly states that it would have been obvious to include at least a channel information to the television program reservation information, as taught by Kameo, in order to have a more complete program reservation information.

Furthermore, it is pertinent to point out that it is well known to one of ordinary skill in the art that adding channel information to the reservation information would make the reservation information a more complete reservation information than the reservation information would be if the channel information were not added to the reservation information.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

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If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew Christensen, can be reached on (703) 308-9644.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)


and (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service whose telephone number is (703) 306-0377.

COO

2/27/02



ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
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